

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CENTER FOR BIOLOGICAL DIVERSITY, and
FRIENDS OF THE EARTH,

No. C 05-01526 WHA

Plaintiffs,

v.

ORDER RE TIMING OF RELIEF

U.S. DEPARTMENT OF ENERGY, U.S.
DEPARTMENT OF AGRICULTURE, U.S.
DEPARTMENT OF COMMERCE, U.S.
DEPARTMENT OF DEFENSE, U.S. DEPARTMENT
OF HEALTH AND HUMAN SERVICES, U.S.
DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT, U.S. DEPARTMENT OF THE
INTERIOR, U.S. DEPARTMENT OF LABOR, U.S.
DEPARTMENT OF TRANSPORTATION, U.S.
DEPARTMENT OF VETERANS AFFAIRS,
CENTRAL INTELLIGENCE AGENCY,
DEPARTMENT OF HOMELAND SECURITY,
EXECUTIVE OFFICE OF THE PRESIDENT,
FEDERAL COMMUNICATIONS COMMISSION,
and GENERAL SERVICES ADMINISTRATION,

Defendants.

On March 6, this Court issued an order regarding the parties cross-motions for summary judgment. That order vacated the agency action reported at Volume 69 of the Federal Register beginning at Page 4219. Accordingly, the order required the Department of Energy (i) to revise the goal for replacement fuels contained in the Energy Policy Act of 1992 as needed to make it realistic and (ii) thereafter, with the benefit of the revised goal, to determine if a fleet rule for municipal governments and certain private entities was necessary to meet the goal. 42 U.S.C

1 13252, 13254, 13257. That order instructed the parties to propose a reasonable timeline to
2 accomplish this revised rulemaking process. This order adopts the following timeline:

3 1. The Department of Energy shall publish a Notice of Proposed Rulemaking for a
4 revised replacement fuel goal by no later than September 6, 2006.

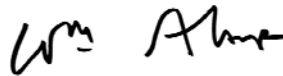
5 2. The Department shall prepare and issue a final rule for the replacement fuel goal
6 within six months after issuing the NOPR.

7 3. The Department shall publish a Notice of Proposed Rulemaking for the fleet rule
8 within six months after issuing the final rule for the replacement fuel goal.

9 4. The Department shall prepare and issue a final determination regarding the fleet rule
10 within six months after issuing the NOPR for the fleet rule.

11
12 **IT IS SO ORDERED.**

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14 Dated: March 30, 2006



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE